

Attorney Docket No. 0312781703

#23  
RECEIVED  
PATENT  
SEP 17 2003  
TECH CENTER 12/12/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of: )  
)  
MONTGOMERY et al. )  
) Examiner: Shep K. ROSE  
Application No.: 09/651,170 )  
) Group Art Unit: 1614  
Filed: August 30, 2000 )  
)  
For: LIGHT ACTIVATED TOOTH )  
WHITENING COMPOSITION )  
AND METHOD OF USING SAME )  
)  
)

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08A . Copies of the listed documents are enclosed herewith.

This Information Disclosure Statement is being submitted after the mailing date of the first office action on the merits. Accordingly, a check in the amount of \$180.00 is enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each of all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

09/24/2003 EAREGAY1 00000026 09651170

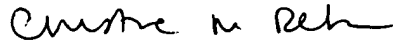
01 FC:1806

180.00 OP

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee in connection with the filing of this statement, please charge the fee to our Deposit Account No. 13-0019.

Respectfully submitted,

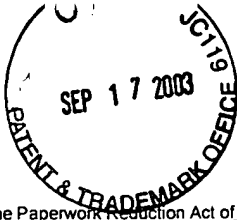


---

Christine M. Rebman  
Reg. No. 50,546

Date: September 17, 2003

**MAYER, BROWN, ROWE & MAW LLP**  
P.O. Box 2828  
Chicago, Illinois 60690-2828  
(312) 701-7174



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/651,170
Filing Date	August 30, 2000
First Named Inventor	R. Eric MONTGOMERY
Art Unit	1614
Examiner Name	Shep K. ROSE
Attorney Docket Number	03127817

Sheet 1 of 2

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1	US- 2001/0021374 A1	09/13/2001	Montgomery	
	2	US- 2002/0141951 A1	10/03/2002	Montgomery	
	3	US- 2002/0131937 A1	09/19/2002	Montgomery	
	4	US- 2002/0137728 A1	09/26/2002	Montgomery	
	5	US- 2003/0089886 A1	05/15/2003	Montgomery	
	6	US- 5,738,843	04/14/1998	Montgomery	
	7	US- 5,816,802	10/06/1998	Montgomery	
	8	US- 5,908,614	06/01/1999	Montgomery	
	9	US- 5,922,307	07/13/1999	Montgomery	
	10	US- 5,944,528	08/31/1999	Montgomery	
	11	US- 6,162,055	12/19/2000	Montgomery et al.	
	12	US- 6,221,341 B1	04/24/2001	Montgomery	
	13	US- 6,281,265 B1	08/28/2001	Montgomery et al.	
	14	US- 6,312,670 B1	11/06/2001	Montgomery	
	15	US- 6,322,773 B1	11/27/2001	Montgomery	
	16	US- 6,331,292 B1	12/18/2001	Montgomery	
	17	US- 6,343,933 B1	02/05/2002	Montgomery et al.	
	18	US- 6,475,469 B1	11/05/2002	Montgomery	
	19	US- 6,479,037 B1	11/12/2002	Montgomery	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Approved for use through 07/31/2006 OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

*(Use as many sheets as necessary)*

Sheet	2	of	2
-------	---	----	---

**Compleat if Known**

Application Number	09/651,170
Filing Date	August 30, 2000
First Named Inventor	R. Eric MONTGOMERY
Art Unit	1614
Examiner Name	Shep K. ROSE
Attorney Docket Number	03127817

## U. S. PATENT DOCUMENTS

RECEIVED  
SEP 29 2003  
TECH CENTER

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	1 <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	24	WO 99/40870 A1	08/19/1999	Britesmile, Inc		
	25	WO 01/51005 A2	07/19/2001	Britesmile, Inc		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

**If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.**